Cr 1004 (3)

Single Bench

**IN THE HIGH COURT OF CHHATTISGARH**
**AT BILASPUR**

W.P. No. 4968 /2004

**Petitioner** : AZIZ AHMED RIZVI,
S/o Late Shri M. A. Wahid Rizvi
aged about 44 years,
Occupation - Govt. Service,
R/o Chhotapara, Raipur,
Tah. & Distt. Raipur (C.G.)

VERSUS

**Respondents** : 1. Nafis Ahmed Rizvi
aged about 54 years

2. Naaz Ahmed Rizvi,
aged about 36 years,
Both sons of Late Shri
M. A. Wahid Rizvi

3. Ku. Tanveer Rizvi,
aged about 40 years

4. Ku. Parveen Rizvi
aged about 38 years

5. Ku. Yasmeen Rizvi,
aged about 34 years
Respondent No. 3 to 5 daughters of
Late Shri M. A. Wahid Rizvi
All resident s of H. No. 8/43,
Chhotapara, Near Masjid, Raipur,
Tah. & Distt. Raipur (C.G.)

P.R. No. 4045/04
Presented by Shri D.K. Satpute
dated 21.10.04

**WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE APPROPRIATE WRIT, ORDER OR DIRECTION.**

XI-HC-78

(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ..W.P...49.68./..05 **सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**22.1.2007:**

Shri Ayaz Naved counsel for the petitioner.

The petitioner filed a civil suit for declaration and permanent injunction against the respondents and in that suit an application for temporary injunction against interference in his peaceful enjoyment of the property was also filed. Application for temporary injunction was allowed. The appeal preferred by the respondents has also been allowed by the impugned order vide annexure P-6 and the order of temporary injunction passed in favour of the petitioner has been set aside and being aggrieved by that this petition has been filed.

Learned counsel for the petitioner submits that the petitioner and the respondents are the family members, they are residing in different portions of a common house, however, the respondents are acting in such a manner which has affected the peaceful enjoyment of the petitioner of the suit house and in the aforesaid circumstances the relief of temporary injunction was prayed for which, however, has been refused for extraneous consideration.

I have heard counsel for the petitioner and perused the plaint, order of temporary injunction passed in favour of the petitioner as well as the impugned order.

From perusal of the aforesaid documents this Court is of the considered opinion that there is no illegality or infirmity in the impugned order and the same has been passed considering the fact that the petitioner and the respondents are living together in a common house and they are the members of the same family. Thus the order impugned does

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** WP 4968/04 **सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

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|---|---|---|
| | not call for any interference from this Court under Article 227 of the Constitution of India and as such the petition being devoid of merit is liable to be dismissed. It is accordingly dismissed.<br><br>**Sd/-**<br>**DHIRENDRA MISHRA**<br>**Judge** | |

P.T.O.